

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Norman Thomas Brady,)	
)	C/A No. 3:16-0158-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
The United States of America, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Norman Thomas Brady filed a complaint on January 19, 2016, alleging Defendants violated his constitutional rights in various respects. He also alleges a state law claim for negligence. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling.

On April 18, 2016, Defendant Three Rivers Behavioral Health, LLC filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). On May 6, 2016, Plaintiff filed a motion for voluntary dismissal without prejudice as to all Defendants on the grounds that Plaintiff was required to first exhaust his administrative remedies against the United States. On July 1, 2016, the Magistrate Judge issued a Report and Recommendation in which she recommended Plaintiff's motion for voluntary dismissal be granted and Defendant Three River Behavioral Health, LLC's motion to dismiss be terminated as moot. No party filed objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with

instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the recommendation of the Magistrate Judge and incorporates the Report and Recommendation herein by reference. Plaintiff’s motion for voluntary dismissal without prejudice is (ECF No. 16) is **granted**. Defendant Three River Behavioral Health, LLC’s motion to dismiss (ECF No. 9) is **denied as moot**.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

September 14, 2016